

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PICTURE PATENTS, LLC,	)	
	)	
Plaintiff,	)	
Declaratory Judgment Plaintiff	)	
	)	Civil Case No. 07cv5567 (JGK) (HBP)
v.	)	
	)	ECF FILED
AEROPOSTALE, INC., DICK’S	)	
SPORTING GOODS, INC., CHARLOTTE	)	
RUSSE, INC., GSI COMMERCE	)	
SOLUTIONS, INC., FOGDOG, INC.,	)	
GSI COMMERCE, INC., NATIONAL	)	
BASKETBALL ASSOCIATION, NBA	)	
PROPERTIES, INC., NBA MEDIA	)	
VENTURES, LLC, MAJOR LEAGUE	)	
BASEBALL PROPERTIES, INC., MLB	)	
ADVANCED MEDIA, L.P.	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
INTERNATIONAL BUSINESS	)	
MACHINES CORPORATION	)	
	)	
Declaratory Judgment Defendant.	)	
	)	

**PLAINTIFF PICTURE PATENTS’ MOTION TO DISMISS DEFENDANT  
INTERNATIONAL BUSINESS MACHINES CORPORATION’S COUNTERCLAIMS  
FOR CONVERSION AND UNJUST ENRICHMENT**

Plaintiff Picture Patents, LLC (“Picture Patents”) respectfully submits this Motion to Dismiss Declaratory Judgment Defendant International Business Machine Corporations’ (“IBM”) counterclaims for conversion and unjust enrichment pursuant to Federal Rules of Civil Procedure 12(b)(6). In support of its Motion, Picture Patents relies on its Memorandum of Law which is submitted contemporaneously with this Motion. For the reasons stated in Picture

Patents' Memorandum of Law, Picture Patents seeks the following relief: (i) dismissal of IBM's counterclaims for conversion and unjust enrichment; and (ii) grant of such other and further relief as this Court deems just and proper.

Dated: June 1, 2009

New York, New York

Respectfully submitted,  
ALSTON & BIRD LLP

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